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43997	7590	04/19/2006		EXAMINER
OPTV/MOFO			LAMBRECHT, CHRISTOPHER M	
C/O MORRISON & FOERSTER LLP				ART UNIT
1650 TYSONS BOULEVARD, SUITE 300				PAPER NUMBER
MCLEAN, VA 22102			2623	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/818,052	REYNOLDS ET AL.
	Examiner Christopher M. Lambrecht	Art Unit 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-56 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/14/2006</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-56 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's failure to adequately traverse facts Officially noticed in the prior Office action is treated as an admission of the facts so noticed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 8-10, 12-14, 17-19, 22, 28-33, 36-51, and 53-56 are rejected under 35 U.S.C. 102(e) as being anticipated by International Application No. WO 01/58159 A1 to Del Sesto, et al. ("Del Sesto").

Regarding claim 53, Del Sesto describes a system (fig. 6, local subsystem 628) for controlling display of enhanced (i.e., interactive) content for viewers from a distribution point (page 14, line 31 – page 15, line 7), the system comprising:

- a broadcast signal receiver (receiver 612) for receiving a broadcast signal (broadcast signal 601) comprising a video component and a generic meta data component (i.e., interactive content or content codes; page 14, lines 3-7), the generic meta data component comprising triggers (page 17, lines 12-15);

- a data stripper (interactive content code detector 604) for extracting a meta data parameter from the generic meta data component (page 15, lines 28–29), wherein the extracted parameter is a priority parameter (fig. 3, OPT field 308 of interactive conditional code 303; page 18, lines 7–23 (describing use of OPT field to indicate that existing interactive content takes priority over local interactive content));
- a local meta data center (interactive content database 644) for storing local meta data of particular relevancy to the viewers (page 19, lines 15–16; page 21, lines 1–5);
- a first processor component (local interactive broadcast server 606) coupled (via detector 604) to the broadcast signal receiver for evaluating the generic meta data component to determine whether to make an insertion of the local meta data into the broadcast signal by comparing the extracted parameter to one or more predetermined meta data parameter values (page 18, lines 18–23, 30–34; page 20, line 31 – page 21, line 21);
- a second processor component (server 606) coupled to the local meta data center for selecting the local meta data in response to a signal from the first processor component to make the insertion based on the comparison (page 20, line 31 – page 21, line 21);
- an inserter (data insertion unit 608) coupled to the second processor component for receiving the local meta data (page 15, lines 28–32; page 16, lines 12–20), and further coupled to the broadcast signal receiver for inserting the local meta data into the broadcast signal to obtain a modified broadcast signal (page 19, lines 26–27); and
- a transmitter (transmission facilities 620) coupled to the inserter for broadcasting the modified broadcast signal to the viewers (page 19, line 28).

As to claim 54, Del Sesto discloses the system of claim 53 wherein the broadcast signal receiver (fig. 6, receiver 612) comprises a stripper (code detector 604) for removing the generic meta data component

from the broadcast signal and furnishing the generic meta data component to the first processor component (server 606; page 15, lines 24–32).

As to claim 55, Del Sesto discloses the system of claim 54 further comprising:

- a third processor component (fig. 6, server 606) coupled to the stripper for selecting the generic meta data component (existing interactive content) in response to a signal from the first processor component to not make the insertion (page 20, lines 31–34);
- wherein the inserter comprises a component for receiving the generic meta data component from the third processor component and inserting the generic meta data back into the broadcast signal (page 20, lines 31–34; page 16, lines 12–20).

Claims 1, 28, 31–33, and 36–45 describe apparatus, method, or computer readable medium of instructions for causing a computer to perform a method corresponding to the system described in claims 53-55. Accordingly, claims 1, 28, 31–33, and 36–45 are met by the disclosure of Del Sesto as applied above.

As to claims 2, 29, and 30, Del Sesto discloses the device of claim 1, wherein the data modification unit comprises: a processor (606, fig. 6) coupled to the local data terminal (612, via 604) configured to execute the instruction set (p. 15, ll. 28–32).

As to claim 3, Del Sesto discloses the device of claim 2, wherein the data stripper (604, fig. 6) is coupled to the incoming data terminal (612), the processor (606) is coupled to the local data terminal (644), and the inserter (608) is coupled to the distribution terminal (620).

As to claim 4, Del Sesto discloses the device of claim 1, wherein the incoming data terminal is adapted to receive a data signal (601, fig. 6) from a broadcasting source (p. 14, ll. 31–33).

As to claim 5, Del Sesto discloses the device of claim 1, wherein the incoming data terminal is adapted to receive a data signal that conforms to a TCP-IP standard (p. 16, ll. 16–19).

As to claims 8–10, and 12, Del Sesto discloses the device of claim 4, wherein the broadcasting source format is NTSC, MPEG2, HDTV, and DBS (p. 7, ll. 14–16; p. 10, ll. 22–29).

As to claim 13, Del Sesto discloses the device of claim 4, wherein the data signal comprises a video data component and a meta data component (p. 13, l. 31 – p. 14, l. 7).

As to claim 14, Del Sesto discloses the device of claim 1, wherein the local data terminal (644, fig. 6) is adapted to receive a data signal from a storage device (p. 19, ll. 11–20).

As to claim 17, Del Sesto discloses the device of claim 14, wherein the storage device is a computer database (p. 21, ll. 1–3).

As to claim 18, Del Sesto discloses the device of claim 1, wherein the data distribution terminal (620, fig. 6) is adapted to transmit a data signal to a distribution channel (611; p. 14, ll. 31–33).

As to claim 19, Del Sesto discloses the device of claim 2, wherein the data stripper (604, fig. 6) is adapted to separate an incoming signal into a video data component and a meta data component (p. 15, l. 28 – p. 16, l. 1).

As to claim 22, Del Sesto discloses the device of claim 1, further comprising a receiver (248, fig. 6) adapted to display the combined data (611) from the incoming data terminal (601) and the local data terminal (644; p. 14, l. 31 – p. 15, l. 7).

As to claim 46, Del Sesto discloses the method of claim 44 wherein: the generic data further comprises content (p. 15, ll. 3–4); and the local meta data comprises triggers and content (p. 19, ll. 15–16).

As to claim 47, Del Sesto discloses the method of claim 44 further comprising: repeating the evaluating step; and broadcasting the broadcast signal to the viewers in response to a determination in the repeated evaluation step to not make the insertion (p. 20, ll. 31–34).

As to claim 48, Del Sesto discloses the method of claim 47 wherein the inserting step comprises: substituting the local meta data for the generic meta data in the broadcast signal in response to a

determination in the evaluating step to make the insertion, to obtain the modified broadcast signal (p. 19, ll. 25–27).

As to claim 49, Del Sesto discloses the method of claim 44 further comprising: stripping the generic meta data component from the broadcast signal prior to the evaluating step (p. 15, ll. 24–32).

As to claim 50, see Del Sesto as applied to claim 47, above.

As to claim 51, see Del Sesto at page 21, lines 3–19.

Claim 56 recites a system comprising a first and second distribution points, each arranged as described in claims 53–55, with the transmitter of the first distribution point coupled to the receiver of the second. Del Sesto describes the details of each distribution point as indicated above. Further, Del Sesto describes the arrangement of the first (broadcast facility 224) and second (local subsystem 228) distribution points recited in claim 56 (figs. 2, 3, 6; page 6, lines 22–26).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 7, 11, 15, 16, 20, 21, 23–27, 34, 35, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Del Sesto.

Regarding claims 6-7, Del Sesto discloses the device of claim 1, but fails to disclose the incoming data terminal is adapted to receive a data signal that conforms to an ATVEF standard, and a DOCSIS standard.

Official notice is taken of the fact that it is well known in the art to adapt a data terminal of a cable headend to receive a data signal conforming to an ATVEF standard, for the purposes of enabling

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communication with enhanced television devices; and a DOCSIS standard, for the purposes of enabling communication with DOCSIS devices.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the incoming data terminal of Del Sesto to receive a data signal that conforms to an ATVEF standard and a DOCSIS standard, for the purpose of enabling communication with any well known standard such as ATVEF devices and DOCSIS devices in order to provide compatibility with any interactive television system.

As to claim 11, Del Sesto discloses the device of claim 4, but fails to disclose the broadcasting source is a DVD format.

Official notice is taken of the fact that it is well known in the art to employ a broadcasting source of a DVD in order to enable communication with DVD compatible devices.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the broadcasting source of Del Sesto to include a DVD format for the purpose of enabling communication with DVD compatible devices in an interactive television system.

As to claims 15 and 16, Del Sesto fails to disclose the storage device is a recordable disk or RAM. Official notice is taken of the following facts: recordable disks and RAM were well known in the art at the time of Applicant's invention; recordable disks such as magnetic hard disks provide nonvolatile data storage at a lower cost-per-unit-data than, e.g., semiconductor memory; and, RAM provides faster data-access rates than, e.g., sequential access memory.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify the data storage device of Del Sesto to include recordable disks or RAM, for the benefit of reducing storage cost or increasing system performance.

As to claims 20, 21, 34, and 35, Del Sesto discloses the device of claim 2 and method of claim 33, but fails to disclose the processor is a reprogrammable device, and an ASIC.

Official notice is taken of the fact that it is well known in the art to implement a processor as a reprogrammable device, for the purpose of increasing system flexibility; and to implement a processor as an ASIC, for the purpose of improving device efficiency by using a processor designed for a specific application.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the processor of Del Sesto as a reprogrammable device, for the purpose of increasing system flexibility; and to implement a processor as an ASIC, for the purpose of improving device efficiency by using a processor designed for a specific application in the cable headend.

Regarding claims 23-27, Del Sesto discloses the device of claim 22, but fails to disclose the receiver is an NTSC enabled television, an HDTV enabled television, an MPEG-2 enabled television, a DVD enabled television, and a DBS enabled television.

Official notice is taken of the fact that it is well known in the art to implement a receiver as an NTSC enabled television, enabling display of traditional analog broadcast content; an HDTV enabled television; enabling high-definition content to be viewed by the user; an MPEG-2 enabled television, enabling compatibility with programming provided in MPEG-2 format; a DVD enabled television, enabling compatibility with programming provided in DVD format; and a DBS enabled television, enabling compatibility with programming delivered in DBS format.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the receiver of Del Sesto to include an NTSC enabled television, an HDTV enabled television, an MPEG-2 enabled television, a DVD enabled television, and a DBS enabled television, for

the purpose of enabling compatibility with programming provided in NTSC format, HDTV format, MPEG-2 format, DVD format, and DBS format.

Regarding claim 52, Del Sesto discloses the method of claim 51, but fails to disclose the generic parameters and the local parameters are defined by options established by an Advanced Television Enhancement Forum specification.

Official notice is taken of the fact that it is well known in the art to define enhanced television content according to an ATVEF specification, for the benefit of ensuring compatibility with ATVEF devices.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Del Sesto to include the generic parameters and the local parameters are defined by options established by an Advanced Television Enhancement Forum specification, for the benefit of ensuring compatibility with ATVEF devices.

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Conclusion

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on M-F, 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on M-F at (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chris Lambrecht
Examiner
Art Unit 2623

CL



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SUPERVISORY PATENT EXAMINER
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